

### **REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2, 4-8 and 10-19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

#### **Rejection Under 35 USC 112**

Claim 5 stands rejected under 35 USC 112, second paragraph, as being indefinite. The Examiner points out that the phrase "said separate logically" lacks antecedent basis. By way of the present Amendment, Applicant has amended claim 5 to insert the word "space" so the antecedent basis is present.

The Examiner rejected claims 6, 11, 12 and 15 under 35 USC 112, second paragraph, as being indefinite due to the use of the term "and/or." By way of the present Amendment, Applicant has removed this term and replaced it in every location with "or." Thus, this rejection is also overcome.

#### **Rejection Under 35 USC 102**

Claims 2, 4-8 and 10-16 stand rejected under 35 USC 102 as anticipated by Blades et al. (U.S. Patent 5,709,099). This rejection is respectfully traversed.

The Examiner states that Blades et al. shows a spatial structure inherent with walls and a ceiling arranged for leisure and including several separate spaces having different uses and different regulated climates.

Applicant disagrees with the Examiner's understanding of the Blades et al. reference. The Examiner has referred to Col. 3, lines 48-57 to show different uses and different regulated

climates. While the patent clearly shows that the facility may be used either for an ice rink or a swimming pool, it is also clear that these are mutually exclusive at a particular time so that the pool is used in the summer and the ice rink in the winter, but both are not used at the same time. For example, at Col. 2, line 38, the base is said to support "one of a layer of ice and a pre-selected quantity of food." Likewise, any number of other places in the specification make it clear that the rink and the pool are used at different times. Thus, Blades et al. shows no more than a facility which may be converted from a winter sport to a summer sport at different times.

This differs from the present invention which is directed to a facility which allows spaces which are adjacent which have different climates at the same time. Thus, claim 4 describes several interior spaces where the climate in each space can be separately regulated so as to simultaneously mimic mutually differing geographically related climatological conditions. This is clearly not seen in Blades et al. Instead, Blades et al. only allows switching from an ice rink to a swimming pool but cannot do both at the same time. Further, Blades et al. does not show separate spaces for different climates. Accordingly, Applicant submits that claim 4 is not anticipated by Blades et al.

Likewise, claim 10 describes a method for simultaneously presenting different geographically related climatological conditions. Again, Blades et al. does not show such a simultaneous arrangement. Accordingly, claim 10 is likewise allowable for the same reasons recited above in regard to claim 4.

Likewise, claim 12 describes the pool structure wherein refrigerating machineries are arranged to form an artificial ice cover having holes for winter swimming or fishing. While Blades et al. shows a pool structure and also provides refrigeration machinery to form ice, they are not utilized at the same time so that when an ice cover is provided, the pool no longer contains water. Further, Blades et al. does not show an ice cover having holes for winter swimming or winter fishing. Accordingly, Applicant submits that claim 12 is likewise allowable.

Claims 2, 5-8, 11 and 13-19 depend from these allowable independent claims and as such are also considered to be allowable. In addition, each of these claims recite other features which make them additionally allowable. These further describe the activities which take place in the separate spaces and their relationship to seasonal rhythms and various parts of the world. Accordingly, Applicant submits that these claims are additionally allowable.

Further, it should be pointed out that Blades et al. shows an ice rink and an aquatic facility combined into a single multi-purpose recreational facility. The structure includes a wall which defines a tank for the water or ice, but not at the same time. The wall structure either forms the surrounding walls of a conventional pool or the rink walls of an ice rink. Further, Blades et al. does not show specifically a confined space, that is a space surrounded by walls and a roof. While the building is briefly mentioned, there is no indication that such a building would include at the same time both an ice rink and a pool. While pool decking is disclosed, the decking circumscribes the wall in order to permit people better access to the tank. Thus, the prior art only indicates that an ice rink or a pool would be located within some kind of building if the geographic conditions would require such an arrangement. However, there is no teaching of the concept of different climatological conditions prevailing at the same time within one common unitary space in order to present different climatological conditions.

In order to better point out these differences, the amended claims now state that the interior spaces are confined but open. That is, there is an overall roof and sides to the structure but the spaces are relatively open to each other within this overall structure. Further, the claims now make it clear that different climatological conditions are presented at the same time. Applicant submits that Blades et al. does not show any of these features.

Rejection Under 35 USC 103

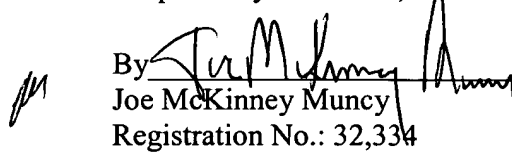
Claims 17 and 18 stand rejected under 35 USC 103 as being obvious over Blades et al. in view of Petrovich et al. (RU 2116097). Claim 19 stands rejected under 35 USC 103 as being obvious over Blades et al. in view of Katayama (U.S. Patent 6,488,590). These rejections are respectfully traversed. The Examiner relies on Petrovich et al. to show an enclosed area including at least four areas having plants. The Examiner relies on Katayama to show an indoor ski slope. Applicant submits that these claims remain allowable based on their dependency from allowable independent claims. Furthermore, Applicant submits that the combination of Blades et al. with either Petrovich et al. or Katayama does not in any way anticipate or obviate any of the claims as presently presented.

Conclusion

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

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Respectfully submitted,

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